IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.421 (SS) OF 2006

1. Satpaul Sharma,
   S/o Shri Ramkishan,
   Senior Field Assistant (Veterinary),
   D.T.S. SHQ GKP.
2. Kehar Singh
   S/o late Sri Sadinand,
   Senior Field Assistant (Veterinary),
   D.T.S. SHQ GKP. .....Petitioners.

Versus

1. Union of India, through its Home Secretary, New Delhi.
2. Director General of S.S.B., Force H.Q., Sector-I (East), R.K. Puram, New Delhi.
3. Chief Veterinary Office, S.S.B., F.H.Q. New Delhi.
4. Dy. Inspector General, S.S.B., F.C.I. Complex, Sector H.Q. Gorakhpur.
5. Dy. Inspector General, S.S.B., Sector H.Q.-Ranikhet, Almora.
6. Sr. Veterinary Officer, Dog Rearing Centre, Gorakhpur.

.....Respondent.

Sri M.S. Chauhan, Advocate for the petitioner.
Mrs. Seema Sirohi, Learned Standing Counsel for the Central Government.

Dated: 28.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 21st March, 2006 by which the petitioner has been transferred from Gorakhpur to Ranidanga.

Briefly stated, the petitioners were appointed in S.S.B. as constable G.D. in the years, 1974 and 1981 and they joined their duties on the post of Constables G.D. in the pay scale of Rs. 950-25-1150-EB-1400. Thereafter, the petitioners have qualified for the appointment of Senior Field Assistant Veterinary and have qualified for the said post after passing the written examination and appeared in the interview and subsequently, the petitioners remained posted as Senior Field Assistant (Veterinary).

Petitioners have submitted that they have been transferred six times according to the grievances of the petitioners.

In the case of ***Shilpi Bose and others Vs. State of Bihar and others AIR 1991 SC 532,*** it has been held by the Apex Court that the transfer is exigency of service and the higher authorities of the department will be competent to consider the same.

In ***Goverdhan Lal Vs. State of U.P. and others, [(2000) 2 UPLBEC 1356)*** Division Bench of the Allahabad High Court has held as under:-

"15. We are also of the opinion, that the Government should fix some specific period (say of three years) for the posting of a Government servant at a particular place, otherwise the Government servants will have no stability in life. Several Government servants are transferred very frequently and this is bad for the morale of the service. Apart from this, a heavy burden is cast on the exchequer due to such transfers. Hence we direct the Government to fix at the earliest a period of posting during which the Government servants will not be ordinarily transferred or disturbed unless there are some very exceptional grounds, which must be recorded in writing."

The petitioners have submitted that there is a guideline known as Standing Order regarding guideline for the transfer of S.S.B. Personnel including officers. Clause F of the guideline is quoted below:-

"(f) Tenure means period of three years rendered in a Duty Bn/T.Cs/SHQ/Ftr Hqrs/Force Hqrs."

The petitioners have submitted their form in the light of the guidelines provided by the respondent. The respondents are directed to consider the representation of the petitioner. The petitioner shall file the same within a period of two weeks from the date of presentation of the certified copy of the order.

In the light of the aforesaid judgments, petitioners are directed to make a fresh representation to the Higher Authorities, who shall consider the same sympathetically taking into consideration the guidelines within a period of two months from the date of presentation of the certified copy of the order. Till the disposal of the representation, the order dated 10th March, 2006 so far as the petitioners are concerned, shall remain in abeyance.

In view of the facts and circumstances, the writ petition is disposed of finally at the admission stage

(Rajesh Tandon, J.)

28.03.2006
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